

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	No. 08 CR 207
v.)	
)	Judge Milton Shadur
ANDRE LINEAR,)	

**DEFENDANT ANDRE LINEAR MOTION TO SUPPRESS GUN AND ANY OTHER
ITEMS SEIZED FROM THE DEFENDANT FOLLOWING AN AUTO STOP**

The defendant, by his Court appointed attorney, Ronald J. Clark, hereby, moves this Honorable Court to suppress all items seized from him at the time of an auto stop of his car on the Eisenhower Expressway in Chicago, Illinois on May 27, 2007. In support of this motion, the Defendant states as follows:

1. The Defendant is a Citizen of United States of America. On May 27, 2007, he was driving eastbound on I-290 in the Chicago area at about 1:05 AM. The Defendant was driving in a lawful fashion and was not in violation of any traffic laws.
2. As he was driving, he noticed a State Police Car in his vicinity. The Police Officer driving the Police Car turned on his emergency lights and indicated for the Defendant to pull over. The State Police Officer at that time had no probable cause to believe that the Defendant was in violation of the law.
3. The Defendant immediately stopped his car and was, without probable cause, ordered by the Police Officer to exit his vehicle. The Defendant complied, exited and did nothing out of the ordinary. He did nothing that would give the

officer probable cause to search the Defendant or to believe that the Defendant was committing or about to commit an offense.

4. The Police Officer then without probable cause ordered the defendant to submit to a search of his person. This was done without probable cause.
5. The Officer searched the Defendant and found a loaded Beretta .380 semi-automatic pistol.
6. The Officer's stopping of the car and the subsequent search were without probable and in violation of the Defendant's right to be secure in his person.

WHEREFORE, the Defendant hereby respectfully requests this Honorable Court to suppress for use as evidence in this case.

Respectfully submitted,

s/Ronald J. Clark

Ronald J. Clark, Attorney for Defendant

On oath the Defendant states that the facts in the foregoing motion to suppress are true. Sworn and subscribed this ___day of ___, 2008.

Andre Linear, Defendant

Ronald J. Clark
Attorney for Andre Linear
820 West Jackson Blvd., Suite 300
Chicago, Illinois 60604
312-307-0061

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NOTICE OF FILING

To: John F. Podliska
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604

Please take Notice that on Friday, June 13, 2008, I filed Defendant Andre Linear's Motion to Suppress Gun and Any Other Evidence was filed with the Clerk of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, 60604. A copy is herewith served upon you.

CERTIFICATE OF SERVICE

Ronald J. Clark, an attorney hereby certifies that he served a copy of this Notice and the Document referred to therein to the person set out above on Friday, June 13, 2008, by electronic filing.

Respectively submitted,

s/Ronald J. Clark
Ronald J. Clark
Attorney for Defendant

Ronald J. Clark
Attorney for Defendant Andre Linear
820 West Jackson Blvd., Suite 300
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312-307-0061